

**James Madison to James Monroe, March 31, 1807.
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TO JAMES MONROE. D. OF S. MSS. INSTR.

Department of State, March 31st, 1807.

Sir,

In my last letter of the 26th inst, I inclosed you a copy of one from Mr. Erskine communicating the British order of Jany 7th and of my answer. Occurring circumstances and further reflection on that extraordinary measure produced a return to the subject, and another letter was added to the first answer. A copy is enclosed with the same view which led to the last inclosure.

The more this order is examined, the more unjustifiable it appears in its principle, the more comprehensive in its terms, and the more mischeivous in its operation. In the recitals prefacing the measure, as communicated by Mr. Erskine, in the order itself, and in the Note of Lord Howick to you, there is a medley of motives for which a cause must be sought either in the puzzle to find an adequate one, or in the policy of being able to shift from one to another according to the posture which the case may take. Whatever be the explanation, the order, in relation to the United States at least, must ever remain with the candid and intelligent, a violation of those rules of law and of justice which are binding on all nations, and which the greatest nations

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ought to pride themselves most in honorably observing. Considered as a retaliation on the United States for permitting the injury done to Great Britain thro' their commerce, by the French decree, the order, over and above the objections stated to Mr. Erskine subjects the British Government to a charge of the most striking inconsistency, in first admitting that the decree gave a right to retaliate in the event only of a failure of the United States to controul its operation, as well as that such a failure alone would justify a final refusal of the Treaty signed by its Commissions; and then actually proceeding to retaliate before it was possible for the decision of the United States to be known or even made.

If it be said as is stated that captures had commenced under the decree, the fact would be of little avail. Such occurrences could not have escaped anticipation, nor can the amount of them under the present superiority of British power at sea afford the slightest plea for the extensive and premature retaliation comprized in the order. A Government, valuing its honor and its character, ought to have dreaded less the injury to its interests from the pillage committed by a few cruizers, on neutral commerce, than the reproach or even the

suspicion, that a pretext was eagerly seized for unloosing a spirit, impatient under the restraint of neutral rights, and panting for the spoils of neutral trade. The British Government does not sufficiently reflect on the advantage which such appearances give to her adversary, and the appeal they are both making to the judgment, the interests and the sympathies of the world. If Great Britain wishes to be regarded as the champion of Law, of right and of order among nations, her example must support her pretensions. It must be a contrast to injustice and to obnoxious innovations. She must not turn the indignation of mankind from the violence of which she complains on one element, to scenes more hostile to established principles on the element on which she bears sway. In a word, she ought to recollect, that the good opinion and good will of other nations, and particularly of the United States, is worth far more to her, than all the wealth which her Navy, covering as it does every sea, can plunder from their innocent commerce.

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As to the scope of the order, it is evident that its terms comprehend not only the possessions of France and of her allies in Europe; but in every other quarter; and consequently

both in the West and in the East Indies. And as to the injury which, if the order be executed as it will be interpreted, by British Cruizers, in the full extent of its meaning, will be brought on the commerce of the United States, an idea may be collected from the glance at it in the letter to Mr. Erskine. The inclosed statement of the amount of our Exports to Europe and of the proportion of them which, not being destined to England may

be food for this predatory order, will reduce the estimate to some precision. To make it still more precise however, it will be necessary, on one hand to transfer *from* the proportion cleared for Great Britain, as much as may have touched there only on its way to continental ports; and, on the other, to deduct the inconsiderable destinations to Portugal, the Baltic, and the Austrian ports in the Mediterranean.

Having in your hands the material which this communication will complete, you will be able to make whatever representations to the British Government you may deem expedient, in order to produce a proper revision of the order. If it shall have been finally ascertained that the French Decree will not be applied to the commerce of the United States, you will of course insist on an immediate revocation of the order so far as it may have been applied to that commerce; and if, as in that case the order can no longer be maintained on the principle of retaliation, the pretext of a blockade or of illegality in the trade as a coasting one, be substituted, you will be at no loss for the grounds on which the order is to be combated, and its revocation demanded.

Among the papers accompanying my last was a printed copy of the Proclamation, suspending the Non-importation Act, until December next. This measure of the President under any circumstances, ought to be reviewed

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as the effect of his amicable policy towards Great Britain. But when it is considered as having been taken with the British order of Jany before him, and a measure subject to the strictures which have been made on it, it is the strongest proof that could be given of his solicitude to smooth the path of negotiation and to secure a happy result to it; and in this light you will be pleased on the proper occasions, to present it.

I have the honor to be, etc.